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BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554

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DEC - 2 2004

Federal Communication Commission
Bureau/Office

In the Matter of)

Amendment of Section 73.202(b))

Table of Allotments)

FM Broadcast Stations)

(Lincoln and Sherman, IL))

MM Docket No. 01-120

RM-10126

To: Assistant Chief, Audio Division, Media Bureau

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DEC - 8 2004

Federal Communications Commission
Office of the Secretary

SUPPLEMENTAL COMMENTS

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Dated: December 2, 2004

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SUMMARY

Saga's Response, like its pleadings earlier in this proceeding, is an attempt to exploit the FCC's allotment criteria and 307(b) policies for Saga's own economic benefit, to the detriment of the public interest and the residents of the community of Lincoln. Given the relative populations of Lincoln (15,000), Sherman (2000), and Springfield (111,500), it is apparent that Saga is motivated by a desire to serve the Springfield Urbanized Area, and not to provide an independent voice to the small village of Sherman. Tellingly, Saga has not disputed this fact at any point in this proceeding. Similarly, Saga has not disputed the fact that it makes absolutely no economic sense for Saga to move WHMX(FM) to a community more than seven times smaller than its current community of license for any other reason than to serve the much larger Springfield Urbanized Area.

Even so, Saga maintains the farce the Sherman is an independent community that would be primarily served by the proposed relocation. As Sherman is dwarfed by Springfield and is located within the Springfield Urbanized Area, a *significant* showing of Sherman's independence is required to satisfy the criteria set forth by the Commission in *Faye and Richard Tuck, Inc.*, 3 FCC Red 5374 (1988). Saga manifestly fails to achieve this requirement. In short, the residents of Sherman are entirely dependent on Springfield for many of their most basic needs. Under these circumstances, it is clear that Sherman is not an independent community. Accordingly, the relocation of WHMX(FM) from Lincoln, where it provides much-needed service, to Sherman, where that service is already provided by 14 other stations in the Springfield Urbanized Area, would not be in the public interest. The costs of such a move would clearly outweigh the benefits, and as such must be avoided.

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**BEFORE THE
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WASHINGTON, D.C. 20554**

In the Matter of)	
)	
Amendment of Section 73.202(b))	MM Docket No. 01-120
Table of Allotments)	RM-10126
FM Broadcast Stations)	
(Lincoln and Sherman, IL))	

To: Assistant Chief, Audio Division, Media Bureau

SUPPLEMENTAL COMMENTS

Long Nine, Inc. ("Long Nine"), by its attorneys, hereby submits these Supplemental Comments in connection with the Response to Request for Supplemental Information ("Response") filed by Saga Communications of Illinois, LLC ("Saga") in the above-referenced proceeding.¹ For the reasons set forth below and in Long Nine's prior filings in this proceeding, the Bureau should reverse the decision of the Allocations Branch in this matter and deny Saga's request to move WMHX(FM) from Lincoln, Illinois to Sherman, Illinois.

At bottom, Saga's Response, like its pleadings earlier in this proceeding, is an attempt to exploit the FCC's allotment criteria and 307(b) policies for Saga's own economic benefit, to the detriment of the public interest and the residents of the community of Lincoln. The purpose of

¹ On April 22, 2002, Long Nine filed a Petition for Reconsideration of the Commission's April 8, 2002 Report and Order in *Lincoln and Sherman, IL*, DA 02-687, 67 Fed. Reg. 16652. Among other things, Long Nine demonstrated that Saga should have been required to file a *Tuck* analysis regarding the interrelationship between Sherman and the Springfield Urbanized Area. The Audio Division agreed, and on September 3, 2004 required Saga to provide supplemental information in the form of a *Tuck* analysis. Saga's Response to the FCC's request was filed on October 12, 2004. While the Commission did not specifically request a Reply pleading, as the *Tuck* request was initiated on the basis of Long Nine's filing, Long Nine submits that a response pleading is in the public interest, and asks the Commission to consider the matters raised herein.

these Comments is to bring Saga's distortion of the record to the Commission's attention and to address the woefully inadequate *Tuck* analysis Saga provided in its Response, which failed to show that Sherman is independent of the Springfield Urbanized Area. Accordingly, Long Nine respectfully requests that the Commission accept these Supplemental Comments in order to ensure a full and fair resolution of this proceeding.

Introduction

In this case, the proposed reallocation of WMHX(FM) would contravene the objectives of Section 307(b), shifting service from Lincoln, Illinois (population of approximately 15,000), to Sherman, Illinois (population of approximately 2,000), a substantially smaller community that is located within the Springfield Urbanized Area (population of approximately 111,500), which is already served by at least fourteen stations.² Given the relative populations of Lincoln, Sherman, and Springfield, any realistic assessment of Saga's proposal compels the conclusion that this is simply a proposal to serve the much larger Springfield Urbanized Area, and not to provide an independent voice to the small village of Sherman.

Moreover, Saga's Response fails to demonstrate that Sherman is sufficiently independent of the Springfield Urbanized Area to warrant a first local service preference. Contrary to Saga's assertions, the first two criteria articulated in *Faye and Richard Tuck, Inc.*, 3 FCC Rcd 5374 (1988) ("*Tuck*") – signal population coverage and the relative population sizes of the specified community and the Urbanized Area – compel the attribution of the aural services in the Springfield Urbanized Area to Sherman in the 307(b) analysis. Moreover, with regard to the third criterion concerning the independence-interdependence of the community, a review of all the facts in the record compels the conclusion that Sherman is wholly dependent on Springfield for nearly all of its basic needs.

² See Long Nine's Comments at 2.

Finally, Saga's Response does nothing to refute the primary arguments made by Long Nine in its Petition for Reconsideration. Tellingly, Saga does not dispute Long Nine's contention that it makes absolutely no economic sense for Saga to move WHMX(FM) to a community more than seven times smaller than its current community of license for any other reason than to serve the much larger Springfield Urbanized Area. Saga does not contest the fact that its proposed transmitter site in Sherman will put a city-grade signal to nearly the entire the Springfield Urbanized Area. In fact, Saga's Response, like its earlier filings in the proceeding, does not even deny that its true intent is to serve Springfield. Nowhere in its Response, or in any of its other filings for that matter, does Saga make an assertion that its real purpose in making the instant reallocation request is to serve the residents of Sherman. This is not surprising, as WHMX(FM) can already serve the residents of Sherman from its current site. As a result, the Commission should reject Saga's manipulation of the Commission's allotment criteria and its self-interested desire to serve the Springfield Urbanized Area.

Discussion

I. Despite Saga's Erroneous Claims to the Contrary, Sherman is Not Independent of the Springfield Urbanized Area

In its Response, Saga makes the unsupportable claim that "[T]he *Tuck* criteria reveal that Sherman clearly passes the Commission's test for independence." Response at 3. This claim could not be further from the truth and is contradicted by Saga's own cursory and insufficient *Tuck* showing. According to the Commission, the factors to be considered in its analysis of whether Sherman is sufficiently independent of the Springfield Urbanized Area can be articulated as follows: (1) the extent to which WHMX(FM) would provide service to the Springfield Urbanized Area; (2) the relative population sizes of Sherman and Springfield; and,

most importantly (3) the independence of Sherman from the Springfield Urbanized Area.³

Consideration of these factors compels the conclusion that Sherman is a bedroom community entirely dependent on Springfield, and therefore, is less deserving of a full time service than is Lincoln.

A. Should the Decision of the Allocations Branch Stand, Saga Would Undoubtedly Move the WMHX(FM) Transmitter Site to a Location That Would Blanket the Springfield Urbanized Area

As Long Nine demonstrated in its earlier filings in this proceeding, if Saga is permitted to change its city of license to from Lincoln to Sherman, it would be able to change transmitter sites so as to put a city grade signal over the vast majority of the Springfield Urbanized Area.⁴ Indeed, Saga admits that its "optimum site" would provide 70 dBu service to 86% of the Urbanized Area.⁵ At another "optimum" fully spaced site which Saga fails to mention, it would be possible for WMHX(FM) to provide 70 dBu coverage to 95.1% of the Springfield Urbanized Area.⁶ At either site, Saga would principally serve Springfield, and not Sherman, regardless of what measure of service is used. Further, Saga does not deny that its justifications for relocating to Sherman are pretextual. Saga does not deny that there is no need to change WMHX(FM)'s city of license to Sherman, as Sherman's residents are already served from the station's current site.

³ *Huntington Broadcasting Co. v. FCC*, 192 F.2d 33 (D.C. Cir 1951) ("*Huntington*"); *RKO General, Inc. (KFRC)*, 5 FCC Rcd 3222 (1990) ("*RKO*"); *Tuck*.

⁴ In its Comments, Long Nine demonstrated that Saga would be able to place a city grade signal over 99% of the Springfield Urbanized Area. However, given the extension of the southwestern boundary of the Urbanized Area by the 2000 Census, that percentage has dropped slightly.

⁵ See Technical Comments to Response.

⁶ See Exhibit 1, Engineering Statement, prepared by Roy Stype, at Fig. 1.0.

The only rational explanation for Saga's desire to move WMHX(FM) to Sherman is that such relocation would enable the station to provide a city-grade signal over Springfield. Common sense and economic reality dictate that Saga would eventually choose a transmitter site as close to Springfield as possible, thereby increasing the value of the station. While the move might serve the economic interests of Saga, it would add yet another station to the Springfield Urbanized Area and would leave the residents of Lincoln with nothing but a daytime-only AM station and a noncommercial FM station. Such a result is inconsistent with Commission precedent and a common sense approach to the public interest.

B. The Population of the Springfield Urbanized Area Is Nearly 40 Times Larger Than That of Sherman

Under the third criterion of the *Tuck* analysis, the Commission has found that more evidence is required to demonstrate that communities are independent when the suburban community at issue is significantly smaller than the central city, as is the case here.⁷ As Saga itself admits in its Response, the Springfield Urbanized Area has a population nearly 40 times larger than that of Sherman. Response at 3. Specifically, the 2000 Census lists Sherman's population as a mere 2,871, while Springfield's is a much greater 111,454. This factor is of paramount importance. In addition, as the Commission has pointed out, Sherman is part of the Springfield Urbanized Area. Because Sherman is dwarfed by Springfield and is located within the Springfield Urbanized Area, a *significant* showing of independence is required by Saga to satisfy the *Tuck* analysis.⁸ Consequently, Commission precedent places the burden on Saga to do what cannot be done, namely, to make a compelling showing that other evidence demonstrates

⁷ See *Tuck*, 5 FCC Rcd at 5378 ¶ 34.

⁸ See *RKO*, 5 FCC Rcd at ¶ 13. See also *Tuck; Eatonton and Sandy Springs, Georgia*, 6 FCC Rcd 6580 at ¶¶ 24, 25 (1991) (denying a first local service preference based in part on much smaller size of community relative to the larger central city of an urbanized area).

the independence of Sherman. As shown below, Saga has failed to meet its considerable burden in this case.

C. An Accurate Analysis of the *Tuck* Factors Demonstrates That Sherman Is Wholly Dependent Upon the Springfield Urbanized Area

1. The extent to which community residents work in the larger metropolitan area, rather than the specified community

As an initial matter, Saga's Response has failed to satisfy the Commission's general expectation that independent communities maintain substantially independent work forces. Indeed, Saga provides *absolutely no* factual evidence to show that Sherman residents work in Sherman. Instead, Saga merely provides a convoluted and unpersuasive estimate based on travel times to work, which the Commission has deemed insufficient.⁹ Significantly, even Saga's own weak showing concludes that at least 60% of the residents of Sherman commute to Springfield for work. Therefore, the uncontroverted evidence in this proceeding demonstrates that a substantial majority of Sherman residents are employed in Springfield, and not in Sherman. The fact that most of Sherman's residents commute to Springfield to work supports a finding of interdependence.

2. Whether the smaller community has its own newspaper or other media that covers the community's local needs and interests

As Saga itself admits, Sherman does not have its own weekly newspaper, or any other local media. Response at 4. Therefore, there is no outlet for local news for Sherman residents and no advertising available for the few Sherman small businesses that actually exist. In addition, Sherman does not have its own website, which is convincing evidence that Sherman should not be considered an independent community; the typical independent community today

⁹ See *Pleasanton, Bandera, Hondo, and Schertz, Texas*, 15 FCC Rcd 3068, 3071 ¶ 9 (2000) (providing a list of businesses is insufficient to establish that a majority of residents live and work in the community under a *Tuck* analysis) (*dismissed on other grounds*, 12 FCC Rcd 8392 (1997)).

maintains a website for its residents and for promotional purposes. Indeed, Sherman's promotional activities for its own economic development are handled by the Springfield Economic Development Council. Sherman's lack of coverage of its own local affairs supports a finding of Sherman's interdependence with Springfield.

3. Whether the community leaders and residents perceive the specified community as being an integral part of, or separate from, the larger metropolitan area

In an effort to satisfy this factor, Saga provides a single "statement" from the President of Sherman purportedly showing that he perceives Sherman to be separate from the Springfield Urbanized Area. With all due respect to Sherman's President, the statement is unpersuasive. Further, the President is only one local leader, who is a paid advocate of his community's independence. Moreover, the statement submitted by Saga is not a declaration in that it has not been signed "under penalty of perjury" as required by Section 1.16, 47 C.F.R. § 1.16, of the Commission's Rules. Therefore it has no probative value and should not be credited. Again, Saga has failed to provide reliable evidence demonstrating a lack of interdependence with the Springfield Urbanized Area.

4. Whether the specified community has its own local government and elected officials and whether the smaller community has its own telephone book or zip code

With regard to factors four and five, Sherman has its own President, a small group of Trustees, a zip code, and telephone book. Yet this hardly supports a determination that Sherman is independent. These facts should be afforded little weight, as the same is true of most small communities, including those that are interdependent with an Urbanized Area. Using Saga's logic, almost every bedroom community would be considered independent of a contiguous Urbanized Area, as the large majority of these communities have a handful of elected officials, a post office, and a zip code. Commission precedent, including both *Huntington* and *RKO*, make it

clear that a more persuasive showing that distinguishes the instant community, Sherman, from Springfield, is required.¹⁰ This is particularly true as factors four and five, for good reason, have traditionally been afforded little weight in determining whether a smaller community is dependent on a larger Urbanized Area.¹¹ This tradition should continue in the instant proceeding, particularly in light of the overwhelming evidence demonstrating Sherman's dependence on Springfield.

5. Whether the community has its own commercial establishments, health facilities, and transportation systems

In an effort to satisfy this factor, Saga provides a short list of small businesses that are located in Sherman. Response at 6-7. At the outset, it is important to note that Sherman does not have its own Chamber of Commerce, and is served by the Greater Springfield Chamber of Commerce. In addition, as the brief list provided by Saga illustrates, Sherman is devoid of any medium or large sized businesses capable of employing residents of Sherman. Indeed, Sherman lacks the majority of businesses one would normally associate with an independent community; there is no clothing store, movie theater, dry cleaner, department store, drugstore, toy store, or taxi service.¹² Sherman has no hospital of any kind, and relies instead on hospitals located in Springfield for medical care. Perhaps most tellingly, Sherman does not have a single grocery store, so its residents must travel to Springfield to obtain groceries. Thus, it stretches credulity for Saga to argue that Sherman is an independent community, when residents of Sherman are

¹⁰ *Huntington*, 192 F.2d at 33; *RKO*, 5 FCC Rcd at 3222.

¹¹ *See Albemarle and Indian Trail, North Carolina*, 16 FCC Rcd 13876 at ¶ 9(c) (2001).

¹² The Commission has noted that the presence of such commercial services weighs toward independence. *See Bon Air, Chester, Mechanicsville, Ruckersville, Williamsburg and Fort Lee, Virginia*, 11 FCC Rcd 5758 (1996) at ¶11. On the other hand, the absence of such services – as in this case – weighs against independence.

dependent upon Springfield to meet the majority of their most basic needs. Accordingly, this important factor also strongly demonstrates Sherman's interdependence.

6. The extent to which the specified community and the central city are part of the same advertising market

Not surprisingly, given its location within the Springfield Urbanized Area and its proximity to Springfield, Sherman is part of the Springfield Arbitron Metro and Springfield Nielsen Metro. As such, the community is served by the many radio and television stations within the Springfield Urbanized Area, including those currently owned by Saga. Therefore, Saga itself has no choice in its Response but to grudgingly admit that Sherman and Springfield are part of the same advertising market. Response at 7. This factor further demonstrates dependence on Springfield.

7. The extent to which the specified community relies on the larger metropolitan area for various municipal services such as police, fire protection, schools and libraries

As its sole basis for asserting that Sherman does not rely on Springfield for municipal services, Saga states that according to Sherman's President, "Sherman does not rely on Springfield" for such services. This comment is striking as it is misleading; Sherman has no junior high or high schools so its children are required to attend such schools in Springfield and elsewhere. Likewise, Sherman does not have its own sewer and water services which are handled by the Springfield Metropolitan Water Service. While Sherman has local police and fire departments, these departments are significantly aided by their Springfield counterparts.

In light of the D.C. Circuit's holding in *Huntington* and the Commission's holding in *RKO*, the Commission should not afford much weight to this factor in any event.. In *Huntington*, the Court found that the 30,000 person community of Huntington Park had a great number of municipal organizations – unlike Sherman in the instant case – yet nevertheless refused to grant

the community a first local service preference.¹³ Similarly, in *RKO* the Commission denied a reallocation request, despite finding that the community had “scores of civic organizations.”¹⁴ Because Sherman’s extremely limited municipal services are nowhere near as extensive as those found in other cases, including *Huntington* and *RKO*, these services are insufficient to establish that Sherman is independent of the Springfield Urbanized area of which it is a part.

In summary, then, only three of the eight *Tuck* factors could conceivably demonstrate that Sherman is independent from the Springfield Urbanized Area and those are factors which should be given little, if any, weight. This is especially true where, as here, the other factors, and all other evidence, overwhelmingly establish that Sherman is interdependent with the Springfield Urbanized Area. Saga’s failed effort to demonstrate otherwise must be rejected.

II. The Allocations Branch Erred in Finding That Saga’s Proposal Would Result in a Preferential Arrangement of Allotments

Contrary to Saga’s assertion in its Response, the Audio Branch should not award Saga a first local service preference. Retaining station WMHX(FM) in Lincoln would be preferable to reallocating the station to Sherman; in short, Lincoln is more deserving of a full time FM service than is Sherman. The proposed reallocation would result in Lincoln losing its only full-time service, and the Springfield Urbanized Area gaining yet another service – even though it is already well-served by at least 14 stations. Thus, the costs of the proposal clearly outweigh its benefits. Further, as the Commission stated in *Fairfield and Norwood Ohio*, 7 FCC Rcd 2377 (MMB 1992), the public has a legitimate expectation that existing service will continue, and this expectation is a factor that must be weighed independently against the service benefits that may result from reallocating a channel from one community to another.

¹³ 192 F.2d at 34.

¹⁴ 4 FCC Rcd at 4999 ¶ 11.

Moreover, nowhere in this proceeding has Saga even attempted to rebut Long Nine's showing that the "benefits" of the proposal are entirely pretextual. As noted previously, Lincoln has a population of approximately 15,000 persons that are served by only one other commercial station, a daytime-only AM station. In contrast, the Springfield Urbanized Area is served by numerous commercial stations, all of which should be attributed to Sherman, including WMHX(FM), which already can be heard in Sherman.¹⁵ Consequently, WMHX(FM) at its new site would provide no cognizable reception service benefits as it is the type of "urban move-in" that the Commission has consistently discouraged. As the Commission clearly stated in its seminal holding in *Modification of FM and TV Authorizations*, 5 FCC Rcd 7094 (1990):

We have consistently given little or no weight to claimed first local service preferences if, given the facts and circumstances, the grant of a preference would appear to allow an artificial or purely technical manipulation of the Commission's Section 307(b) related policies. 5 FCC Rcd at 7096.

Saga wisely avoids any attempt to distinguish this statement in light of its own "technical manipulation" of the Commission's Rules in this case. However, the Commission should continue to follow this sound policy, and should recognize and deny Saga's efforts to circumvent the Commission's policies designed to prevent exactly the kind of relocation proposed in this proceeding.¹⁶

These factors disprove the conclusion of the Allocations Branch that the reallocation of Channel 236C1 to Sherman would result in a preferential arrangement of allotments.

¹⁵ See, e.g., *Greenfield and Del Ray Oaks, California*, 11 FCC Rcd 12681 ¶ 10 (Allocation Branch 1996) (holding that a proposal for first primary service to a community is not preferential where residences of that community are already adequately served).

¹⁶ See *Modification of FM and TV Authorizations*, 5 FCC Rcd 7094 at ¶ 11; *RKO*; *Tuck*; *Huntington*.

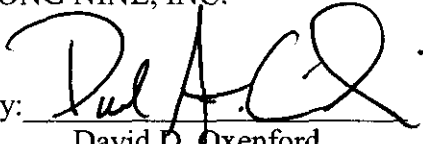
CONCLUSION

As Long Nine demonstrated earlier in this proceeding, the public interest benefits of WHMX(FM)'s proposed relocation from Lincoln to Sherman are particularly dubious, as Saga obviously intends to serve the larger Springfield Urbanized Area. Tellingly, Saga's superficial *Tuck* analysis has failed to show that Sherman is independent from Springfield. As a result, Long Nine again respectfully requests that the Commission reverse the decision of the Allocations Branch in this matter and the request to re-allot Channel 230B1 from Lincoln to Sherman.

Respectfully submitted,

LONG NINE, INC.

By:


David D. Oxenford
Paul A. Cicelski

Its Attorneys

SHAW PITTMAN LLP
2300 N Street, N.W.
Washington, D.C. 20037

Dated: December 2, 2004

Declaration of Glen Gardner

I, Glen Gardner, am President of Long Nine, Inc., and am a resident of Springfield, Illinois. I have read the Commission's "Request for Supplemental Information" in MM Docket No. 01-120, as well as the "Response to Request for Supplemental Information" filed by Saga Communications of Illinois, LLC. I have also reviewed the foregoing "Supplemental Comments" filed by Long Nine, Inc. and except for (a) matters cited therein contained in the FCC's records, (b) matters for which other support is provided, and (c) matters of which the Commission may take official notice, the facts set forth therein are true and correct to the best of my personal knowledge and belief.

In addition, I expressly confirm the following to the best of my knowledge:

- 1) I have lived in the Springfield Metropolitan Area for 3 years. I have worked in radio in the area for 3 years, and as a General Manager of radio stations in Springfield for 3 years. From that experience, I expressly conclude that Sherman's advertising market is indistinguishable from that of Springfield's as a whole.
- 2) Based on visits to Sherman and inquiries I have made in connection with this proceeding, Sherman does have its own local newspaper, or any other local media.
- 3) I have conducted numerous searches on the Internet and have been unable to locate any website maintained by the village of Sherman.
- 4) Based on inquiries I have made, the Springfield Economic Development Council promotes Sherman's economy. I have not been able to locate any organization in Sherman that serves this purpose. In addition, Sherman does not have its own Chamber of Commerce, and is instead served by the Greater Springfield Chamber of Commerce.
- 5) It has been apparent during my visits to Sherman that its residents are dependent on Springfield for many of their most basic needs. I am unaware of any medium or large sized businesses capable of employing Sherman residents. Moreover, according to our business manager Sharon Rudin who is a resident of Sherman, there are no grocery stores, hospitals, clothing stores, movie theaters, dry cleaners, department stores, toy stores, or taxi services in Sherman. Indeed, Sherman apparently has no junior high school or high schools, and as such Sherman's children are required to attend school in Springfield and elsewhere. Sherman does not have its own sewer and water services as such services are provided by the Springfield Metropolitan Water Service.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 30th day of November, 2004.



Glen Gardner

EXHIBIT 1

ENGINEERING STATEMENT
IN SUPPORT OF
SUPPLEMENTAL COMMENTS
MM DOCKET 01-120
CHANNEL 230B1 - SHERMAN, IL
Long Nine, Inc.

December 2, 2004

Prepared For: Long Nine, Inc.
P.O. Box 460
Springfield, IL 62705

CARL E. SMITH CONSULTING ENGINEERS

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Engineering Affidavits

Roy P. Stype, III
Ronald W. Coffman

Engineering Statement

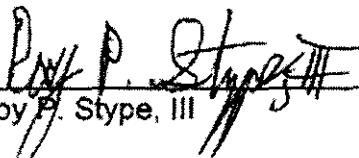
Fig. 1.0 - 70 dBu Coverage of Springfield Urbanized Area
(Assumed Site)

ENGINEERING AFFIDAVIT

State of Ohio)
) ss:
County of Summit)


Roy P. Stype, III, being duly sworn, deposes and states that he is a graduate Electrical Engineer, a qualified and experienced Communications Consulting Engineer whose works are a matter of record with the Federal Communications Commission and that he is a member of the Firm of "Carl E. Smith Consulting Engineers" located at 2324 North Cleveland-Massillon Road in the Township of Bath, County of Summit, State of Ohio, and that the Firm has been retained by Long Nine, Inc. to prepare the attached "Engineering Statement In Support of Supplemental Comments - MM Docket 01-120 - Channel 230B1 - Sherman, IL."

The deponent states that the Exhibit was prepared by him or under his direction and is true of his own knowledge, except as to statements made on information and belief and as to such statements, he believes them to be true.



Roy P. Stype, III

Subscribed and sworn to before me on **December 2, 2004**.



Notary Public

/SEAL/

NANCY A. ADAMS, Notary Public
Residence - Cuyahoga County
State Wide Jurisdiction, Ohio
My Commission Expires Sept. 5, 2005

ENGINEERING AFFIDAVIT

State of Ohio)
) ss:
County of Summit)


Ronald W. Coffman, being duly sworn, deposes and states that he is a qualified and experienced Communications Consulting Engineer whose works are a matter of record with the Federal Communications Commission and that he is a member of the Firm of "Carl E. Smith Consulting Engineers" located at 2324 North Cleveland-Massillon Road in the Township of Bath, County of Summit, State of Ohio, and that the Firm has been retained by Long Nine, Inc. to prepare the attached "Engineering Statement In Support of Supplemental Comments - MM Docket 01-120 -Channel 230B1 - Sherman, IL."

The deponent states that the Exhibit was prepared by him or under his direction and is true of his own knowledge, except as to statements made on information and belief and as to such statements, he believes them to be true.



Ronald W. Coffman

Subscribed and sworn to before me on **December 2, 2004**.



Nancy A. Adams
Notary Public

NANCY A. ADAMS, Notary Public
Residence - Cuyahoga County
State Wide Jurisdiction, Ohio
My Commission Expires Sept. 5, 2005

/SEAL/

ENGINEERING STATEMENT

This engineering statement is prepared on behalf of Long Nine, Inc. ("WMAY"), licensee of Radio Stations WMAY(AM) - Springfield, Illinois; WNNS(FM) - Springfield, Illinois; WQLZ(FM) - Taylorville, Illinois; and WYVR(FM) - Petersburg, Illinois. It supports supplemental comments in MM Docket 01-120, which re-allotted FM Channel 230B1 from Lincoln, Illinois to Sherman, Illinois and modified the license for WMHX(FM) - Lincoln, Illinois to specify operation on Channel 230B1 in Sherman, Illinois.

On September 3, 2004, in response to a *Petition for Reconsideration* filed on behalf of WMAY, the FCC issued a *Request for Supplemental Information* in this proceeding after confirming that the 2000 U. S. Census did consider the community of Sherman to be part of the Springfield Urbanized Area, which undermined the determination in the March 22, 2002 *Report and Order* in this proceeding that the proposed reallocation would provide a first local service to Sherman. This *Request for Supplemental Information* requested the submission of additional information to permit the FCC to determine whether or not Sherman is sufficiently independent from Springfield to justify such a preference for providing a first local service to Sherman.

On October 12, 2004, the licensee of WMHX submitted a supplemental filing responding to this request. This supplemental filing includes a claim that, even if the WMHX transmitter site would be relocated to the optimum site to provide city grade service to the Springfield Urbanized Area, its 70 dBu contour would only encompass 86% of this urbanized area. As shown below, however, it is possible for WMHX to provide 70 dBu service to in excess of 86% of this urbanized area from an assumed site

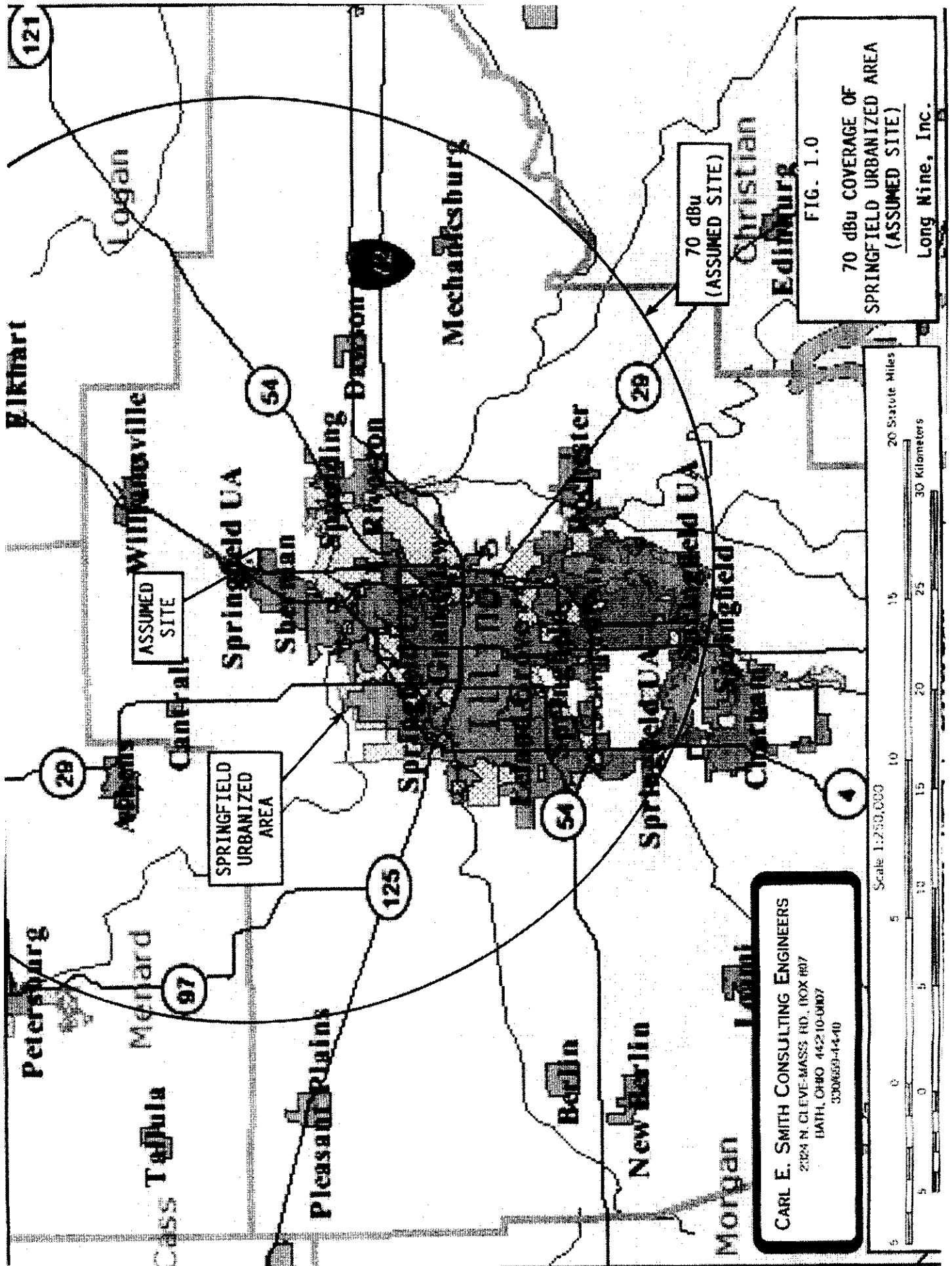
which fully complies with the spacing requirements to all other stations requiring protection consideration.

Figure 1.0 is a map exhibit depicting the predicted 70 dBu contour for operation by WMHX from an assumed site in relation to the boundaries of the Springfield Urbanized Area, as extracted from the U. S. Census Bureau's *American Factfinder* web site¹. This assumed site, which fully complies with the spacing requirements to all other stations requiring protection consideration, is located at the following geographic coordinates:

NL - 39° 54' 10"
WL - 89° 35' 27".

The contour depicted in this map exhibit was projected assuming uniform terrain and nondirectional operation from this assumed site with the maximum permitted Class B1 facilities of 25 kilowatts effective radiated power at 100 meters above average terrain. As shown in this figure, the 70 dBu contour for operation from this assumed site with maximum Class B1 facilities will encompass 95.1% of the Springfield Urbanized Area, which exceeds the 86% maximum value claimed in the WMHX supplemental filing.

¹http://factfinder.census.gov/servlet/BasicFactsServlet?_lang=en



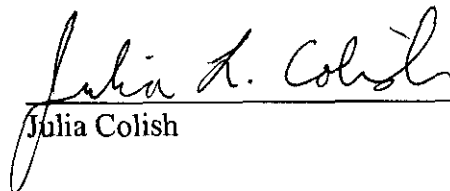
CERTIFICATE OF SERVICE

I, Julia Colish, a secretary with the law firm of Shaw Pittman LLP, hereby certify that copies of the foregoing "Supplemental Comments" was served via U.S. mail on this 2nd day of December, 2004 to the following:

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